

REMARKS

The Final Office Action mailed 3/10/2006 indicated that Claim 6 would be allowable if rewritten in independent form. The Applicant has amended Claim 1 to include the limitation of Claim 6. Thus, the Applicant respectfully asserts that Claim 1 is now allowable. Also, since the remaining claims depend directly or indirectly from amended Claim 1, the Applicant respectfully asserts that these claims are also allowable.

Although the Applicant has amended Claim 1 to gain allowance, the Applicant respectfully disagrees with the content of the Final Action. In particular, the Examiner cites Puzey (2005/0207943) against claims 2, 4, 9 and 10. However, the Applicant respectfully asserts that Puzey is nonanalogous art and bears no connection to the measurement of birefringence. Puzey is directed to the measurement of analytes through light absorption in mainly the infrared region (2.5 to 25 microns). *See, e.g.*, Paragraphs 0015 and 0049. Moreover, the filing date of Puzey is after the filing date of the present application and is not prior art unless it properly claims the benefit of the prior provisional applications. The Examiner has made no assertion that the portion of Puzey cited against the application is entitled to the benefit of the provisional applications to which Puzey claims priority.

The Examiner also cites Endoh et al. against claims 3 and 10. The Applicant also respectfully asserts that Endoh et al. is nonanalogous art and bears no connection to the measurement of birefringence. Endoh et al. is concerned with the imaging of blood vessels in the hand. The Applicant respectfully asserts that the Examiner's professed motivation for combining Endoh et al. with the other cited references is without basis. The provision of an even illumination field in Endoh et al. is decrease the influence of external light on the measurements made by the specific apparatus in Endoh et al. *See*, Paragraph 0099. The Applicant respectfully asserts that the Examiner cannot extend this specific purpose to an unrelated apparatus and measurement technique.

In view of the foregoing amendment, it is believed that the application is in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,

/RFClark/

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